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**OFFICE OF PETITIONS**

In re Application :  
Botstein, et al. :  
Application No. 09/944,944 : PATENT TERM ADJUSTMENT  
Filed: August 31, 2001 :  
Dkt. No.: 9683/70 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)," filed February 16, 2005.

Applicants argue that the Office will have failed to issue a patent within three years from the date the instant application was filed in accordance with 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. § 1.702(b) and request an additional adjustment of 83 days.

Applicants are advised that decision on the instant request for reconsideration of patent term adjustment ("PTA") under 37 C.F.R. § 1.705(b) is hereby **held in abeyance** subject to an issuance date being set by the Office of Patent Publications at which time the PTA will be routinely recalculated.

Applicants are further advised to submit a letter to the Office within two months of the issuance of the patent if, at the time of issuance of the patent, the appropriate adjustment under 37 C.F.R. § 1.703(b) has not been accorded.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 384 days.

The Office acknowledges receipt of the required fee of \$200.00 for an application for patent term adjustment. No additional fee will be required if applicant is solely requesting reconsideration of additional time related to failing to issue the patent within three years of the filing date.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

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